

REMARKS

This communication is being filed in response to the final Office Action having a mailing date of January 7, 2009. Claims 10-17 are amended. No claims are added or canceled. No new matter has been added to the application. Upon entry of this communication, claims 1-19 are pending. Reconsideration of the present application in view of the following remarks is respectfully requested.

I. Telephone Interview Summary from Interview of April 28, 2009

A telephone interview was held between attorney of record, Thomas J. Satagaj, and Examiner Ahmed on April 28, 2009. An Interview Summary form PTOL-413 mailed on May 5, 2009 indicated that the present amendment/response must include “the substance of the interview.” Accordingly, the substance of the interview is provided below:

Mr. Satagaj and the Examiner discussed the cited references and certain features in the claims by telephone on April 28, 2009. During the telephone conversation, Examiner Ahmed pointed out some minor informalities with the claims. The Examiner’s suggestions have all been incorporated herein as will be evident from reading the amended claims.

With reference to each of the independent claims and particular reference to claim 1, Mr. Satagaj and Examiner Ahmed communicated to discuss the *Alapuramen* reference in more detail. It was discussed that the transmitter of claim 1 transmits a data packet onto multiple paths where it is received by a repeater. The repeater, which received the data packet from one of the multiple paths, is capable of storing the data packet, forwarding the data packet, and initiating retransmission of the data packet in response to a NACK signal. With respect to the cited references, it was noted that *Alapuramen*’s Controller 112 and Transceiver 108 of Figure 2 are dependent circuits that reside within a single User Terminal 102 or Access Point 106 or Router 107 and cannot separately operate as the transmitter and the repeater of claim 1. Further, it was noted that the ARQ nodes of *Alapuramen*’s Figure 3 receive data and then break the data up and modify it. Thus, the ARQ nodes of *Alapuramen* are not capable of storing, forwarding, and initiating retransmission of the data packet that was transmitted by the transmitter. Accordingly, the present claims were distinguished over the cited reference.

II. Conclusion

In light of the communication between Examiner Ahmed and Mr. Satagaj in this case, in which an RCE has previously been filed during prosecution, and in which the Examiner had further opportunity to study the specification and cited references, it is believed that each of the independent claims is patentable over the cited references. An earnest effort has made to fix the minor matters and place all claims in condition for allowance. The attorney of record, Thomas Satagaj, understands that this is a final Office Action. Accordingly, in order to facilitate entry of this amendment, all of the Examiner's suggestions have been adopted, and all of the claims have been amended into a form that the Examiner will find allowable so that the patent can be advanced to issue.

The Director is authorized to charge any additional fees due by way of this Amendment only, or credit any overpayment, to our Deposit Account No. 19-1090. Favorable reconsideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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